

**IN THE UNITED STATES DISTRICT COURT FOR  
THE WESTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA,	)	
	)	Criminal No. 06 - 203
v.	)	
	)	
MARK BRADFORD YARBROUGH, SR.,	)	
	)	

**ORDER**

Pending before the Court is a "Motion to Request to Take Judicial Notice" (Doc. No. 52), two separate Motions to Reconsider (Doc. Nos. 29 and 44) and a Motion to Schedule a Hearing (Doc. No. 44). After a brief history, this order will address each of these outstanding issues.

The Court held a detention hearing in this case on June 6, 2006. After hearing testimony, the Court concluded that no conditions could be created that would reasonably assure the safety of the community and ordered the Defendant detained pending trial.

Defense counsel responded by filing a Motion for Reconsideration of Bond Pending Trial (Doc. No. 29) on July 20, 2006. The motion contained absolutely no new evidence to indicate the Defendant could rebut the findings of the Court from the original detention hearing, therefore no hearing on the motion was ever held.

Defendant filed a pro se Motion for Reconsideration of Bond Pending Trial (Doc. No. 40) on December 14, 2006. While more personalized, it is basically the same as the previously filed motion for reconsideration. Again, no new evidence was presented to indicate the Defendant could rebut the findings of the Court from the original detention hearing.

New counsel for the Defendant filed a Motion to Schedule a Hearing (Doc. No. 44) on January 19, 2007. While the motion does request leave to amend the pro se petition for

rehearing, it does not provide any new evidence, or even allude that new evidence exists, that would rebut the findings of Court from the original detention hearing.

The Defendant filed a pro se "Motion to Request to Take Judicial Notice" (Doc. No. 52) on March 5, 2007, in which Defendant asks the Court to grant him bond pending trial since the U.S. Attorney did not respond to any of the previous motions for reconsideration. Not only does failure by the government to respond to a motion not warrant the type of relief sought by the Defendant, but the Court notes that no response to any of Defendant's motions was ever ordered, rendering any relief or sanction for failure to respond inappropriate.

None of Plaintiff's filings pertaining to the issue of detention warrant another hearing. Plaintiff does not provide the Court any evidence to consider nor does he offer any proposed conditions that could be created to reasonably assure the safety of the community. Therefore,

**IT IS ORDERED** this 16 day of March, 2007, that Defendant's Motion for Reconsideration of Bond Pending Trial (Doc. No. 29) is **DENIED**.

**IT IS FURTHER ORDERED** that Defendant's pro se Motion for Reconsideration of Bond Pending Trial (Doc. No. 40) is **DENIED**.

**IT IS FURTHER ORDERED** that Defendant's Motion to Schedule a Hearing (Doc. No. 44) is **DENIED**.

**IT IS FURTHER ORDERED** that Defendant's pro se "Motion to Request to Take Judicial Notice" is **DENIED**.

  
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Lisa Pupo Lenihan  
United States Magistrate Judge

cc: All counsel of record.